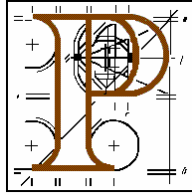


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

Westmeath County

Planning Register Reference Number: 10/5142

An Bord Pleanála Reference Number: PL 25.238488

APPEAL by Kathleen Madden of 3 Greenpark, Mullingar, County Westmeath against the decision made on the 24th day of January, 2011 by Westmeath County Council to grant subject to conditions a permission to John Bannon care of Richard Bannon of 27 Glenvara Park, Knocklyon, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Change of use from a two-storey single family dwelling with part ground floor medical surgery to medical centre over both storeys. Proposals include attic storage space and new parking layout to increase parking within the curtilage to 11 number spaces at 2 Greenpark Close, Greenpark, Mullingar, County Westmeath.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the residential zoning of the area, to the provisions of the Westmeath County Development Plan 2008-2014, to the planning history of the site and the scale of the proposed medical centre, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The medical centre shall be limited to three consulting rooms only on the ground floor including any appointment with a practice nurse and the upstairs shall be used solely by staff with no public access to the first floor.

Reason: To limit the intensity of use of the medical centre and thereby to control the number of traffic movements and the extent of demand for car parking, and to protect the privacy of adjoining residential property in the interest of residential amenity.

3. Visits to the medical centre by the public shall be on an appointment only basis.

Reason: To limit the intensity of use of the medical centre and thereby to control the number of traffic movements and the extent of demand for car parking.

4. The medical centre shall only be open to the public on Mondays to Fridays between the hours of 0900 and 2000 and on Saturdays between the hours of 0900 and 1300. It shall not open on Sundays or public holidays.

Reason: To avoid the morning traffic peak and in the interest of residential amenity.

5. Prior to commencement of use of the medical centre, the lower part of the proposed meeting room window (currently a bedroom window) shall be fitted with an opaque panel or screen to a height of 1.5 metres above finished floor level to prevent undue overlooking by staff of adjoining residential private open space.

Reason: To protect residential amenity.

6. The proposed development shall be amended as follows:
- (a) car parking space number 9 shall be extended by one metre in length from the west to seven metres, and
 - (b) car parking space number 10 shall be realigned on a diagonal axis to align with the north eastern corner of car parking space number 11.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to facilitate ease of manoeuvre into and out of these spaces.

7. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall show tree and hedgerow planting in accordance with the indicative planting scheme shown on the Site Plan drawing number P0002, revision A and shall also specify the species of tree and hedgerow and the numbers concerned, along with a timetable for planting. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity, having regard to the prominent corner location of the development at the entrance to a large residential estate.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Prior to the commencement of the use of the medical centre, the entrance to the site shall be widened and the proposed car parking spaces, as amended by condition number 6 above, shall be laid out, along with the accompanying circulation route. Thereafter, these spaces shall be retained insitu for the duration of the use.

Reason: In order to ensure that off-street car parking spaces are available at all times.

11. The car parking spaces numbered 7, 8 and 9 shall be reserved for the use of staff.

Reason: To limit the multiple usage of these spaces in the interest of residential amenity.

12. (1) Prior to the commencement of development, details of signage for the proposed medical centre shall be submitted to, and agreed in writing with, the planning authority.
- (2) No other signage, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

13. The developer shall pay to the planning authority a financial contribution of €6,069.94 (six thousand and sixty nine euro and ninety four cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

14. The developer shall pay to the planning authority a financial contribution of €1,147.47 (one thousand, one hundred and forty seven euro and forty seven cent) in respect of the Mullingar Main Drainage in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

15. The developer shall pay to the planning authority a financial contribution of €434 (four hundred and thirty four euro) in respect of the Clonmore Link Road in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2011.